

Company sues to rezone shopping center area land

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"It's really our company's policy that we don't have anything to add to what's in the complaint," said Mark Sturing, Bestak general counsel.

THE SUIT was prompted by the Farmington Hills City Council's 5-2 denial of the Bestak's request to rezone acreage from RC-2, multiple-family residential and P-1, vehicle parking, to B-2, community business district.

The land is designated RC-2 in the

city's master land use plan. Councilmen Ben Marks and Lawrence Lichtman supported Bestak's request.

Rezoning would have permitted a major renovation of the center, including removal of 30,000 square feet of the 50,000-square-foot retail space and constructing of 85,000 square feet of new retail space, including a major supermarket.

In February 1989, the planning commission recommended denial of the request. Bestak then withdrew its request to provide time to provide more traffic and intersection

information. The planning commission then recommended approval in November 1989 when Bestak re-submitted the rezoning request. A month later, the city council denied rezoning.

"The city council said, 'We've got a lot of commercial right here at this corner. We think you (Bestak) created your own problem. It seemed more of a design problem (of the shopping center) than a land use problem,'" city attorney Paul Bibeau said.

In denying the rezoning request in December 1989, the city council re-

ferred to concern for downtown Farmington's redevelopment plans, lack of conformance to the master land use plan and possibilities that Bestak's dilemma was "self-orchestrated."

BECAUSE OF problems with topography and access to the site, the center is losing more than \$160,000 annually, Bestak claims in the complaint.

Some of the arguments in the Bestak complaint are:

• The ordinance is an "arbitrary and unreasonable exercise of the city's police power as the land cannot be developed for any conforming use because of the land's character."

• There is no "reasonable governmental interest" advanced by the RC-2 zone.

• The zoning ordinance is unreasonable because "of the purely arbitrary, capricious and unfounded exclusion of other types of legitimate land use."

• The ordinance has a "confiscatory impact" because restrictions preclude use of the land for "any purposes to which the land is reasonably adapted."

• The zoning ordinance violates the state zoning act because it fails to meet the need for places of trade.

In its response to the complaint, the city denies Bestak's allegations and maintains that the company is barred from damages by the doctrine of governmental immunity. "That's the defense we've raised. If we don't plead it, we lose it," Bibeau said.

Corvette
raffle
tickets
available

Those interested in placing a \$100 bet on the Founders Festival's grand prize 1990 Corvette have but a few days left to take action.

The shiny, red sports car will be awarded to its lucky owner on June 7, at 5:30 p.m., at a drawing at The Community Center of Farmington/Farmington Hills, 24705 Farmington Road.

The car is on display at Holiday Chevrolet in Farmington Hills. The red Corvette sports a removable glass roof, black leather seats, and an AM-FM stereo radio with cassette player.

Along with the grand prize Corvette, the Founders Festival prize list includes \$4,600 in other prizes — namely shopping sprees ranging from \$100 to \$1,000 at local Chamber of Commerce member businesses. Proceeds from the drawing go toward paying for the 1990 Farmington/Farmington Hills Founders Festival this summer.

Only 650 tickets will be sold for this year's drawing — which means the odds for winning are better than those of similar area drawings. Tickets are available at the Farmington/Farmington Hills Chamber of Commerce for \$100 per ticket. Call the chamber at 474-3440 for more information.

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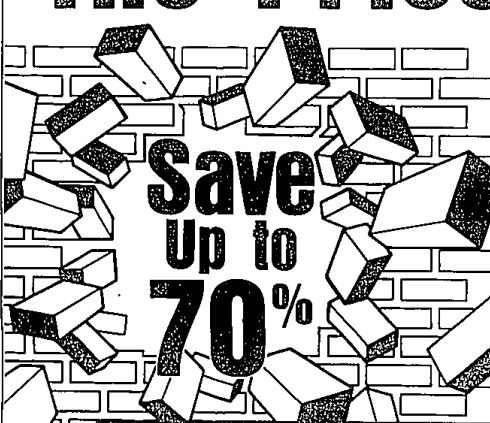
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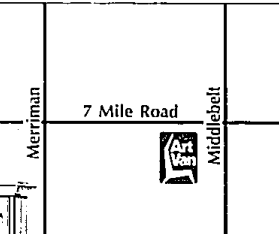
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